

## **Bruce Berline**

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**From:** "David P. Ledger" <dledger@carlsmith.com>  
**To:** "Bruce Berline" <bruce@saipanlaw.com>  
**Cc:** <Fitzsaipan@aol.com>  
**Sent:** Friday, August 04, 2006 4:00 PM  
**Subject:** RE: Couture

Bruce- It's fine with me to go ahead and book 8/18 at 430 with with the court, but with a caveat that it might not go. Here's why.

I have your settlement letters and the reality of the situation is that the numbers we have in mind when compared to yours may be such that the case is resolved to a trial, even though it may be that you end up being correct on the jury's potential verdict. I know I mentioned to Bill, but can't remember for sure if you were present, but settling for numbers near what you are asking for is likely precluded because of the fact the Mr. Couture is presently employed on board. Him getting that amount of money in settlement, which will undoubtedly be well-known to the entire crew - a captive audience so to speak - in about one hour, will set off a whole host of problems. In the past such problems have included "copy-cat" claims, a sudden increase in slip and falls on "wet" decks, "sick-outs", morale problems, resignation, in one instance even violence. These are factors my client can not overlook when settling claims of injured yet still-employed crewmen. As things stand now, your demand is several times more than what AMSEA considers the max. amt. for settling claims of still-employed crewmen, for the reasons noted above. Oddly, the on-board problems are far less prevalent when a crewman gets money from a jury, maybe the other guys figure he "earned it."

In any case, thanks for taking the initiative in contacting the court and dealing with this matter.

Best regards,

David Ledger  
Partner, Carlsmith Ball LLP (Guam, U.S.A.)  
Office ph: 671 472 6813, ext. 302  
Office fax: 671 477 4375  
Mobile: 671 688 3352  
[dledger@carlsmith.com](mailto:dledger@carlsmith.com)

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**From:** Bruce Berline [<mailto:bruce@saipanlaw.com>]  
**Sent:** Friday, August 04, 2006 3:38 PM  
**To:** David P. Ledger  
**Subject:** Couture

David,

I spoke with Faye at the District Court. The boat is coming back around the 16th of August. Ken's only day off is Friday, but even then, he does not get off until 1:30 p.m. So our thought was that we could do the settlement conference on Friday the 18th at 10:00 with just the attorneys and then Ken join us at 1:30. According to Faye, the judge is fine with that idea, however, he has a trial on the 14th and so is not available until 4:30 p.m. There are no other Fridays available for another two weeks - which would put us near the end of August - which in my opinion is too late. So, would you be amenable to having the settlement conference at 4:30 on the 18th. Let me know so I can call the judge. I double checked with Faye to make sure the Judge was okay with the time and she confirmed that he is willing to do it at that late hour.



8/9/2006